

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY GILMORE,

Plaintiff,

v.

Case No. 07-14089

COMMISSIONER OF
SOCIAL SECURITY,

HONORABLE AVERN COHN

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
AND
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
AND
DISMISSING CASE

I.

This is a social security case. Plaintiff Mary Gilmore, who is proceeding pro se, appeals from the final determination of the Commissioner of Social Security (Commissioner) that she is not disabled and therefore not entitled to disability insurance benefits. Plaintiff alleged disability since 1996 due to back pain and asthma. The matter was referred to a magistrate judge for all pretrial proceedings. The Commissioner filed a motion for summary judgment, to which plaintiff did not file a response.¹ The magistrate judge issued a report and recommendation (MJRR)

¹On March 5, 2008, prior to the filing of the Commissioner's motion for summary judgment, plaintiff filed a letter in which she explained her entitlement to benefits. The letter was docketed as a motion for summary judgment. The magistrate judge, however, did not address plaintiff's motion in the report and recommendation. To the

recommending that the Commissioner's motion be granted. See MJRR filed October 6, 2008.

II.

Neither party has filed objections to the MJRR. Having carefully reviewed the record and the MJRR, the Court agrees with the magistrate judge that there is substantial evidence that plaintiff retained the residual functional capacity for a limited range of work at the light exertional level which had no more than moderate exposure to atmospheric irritants.

Accordingly, the findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the Court. The Commissioner's motion for summary judgment is GRANTED. This case is DISMISSED.

SO ORDERED.

Dated: November 6, 2008

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Mary Gilmore, 17389 Brady Street, Redford, MI 48240 the attorneys of record on this date, November 6, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160

extent that the letter is a motion for summary judgment, it is DENIED for the reasons explained in the report and recommendation.